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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

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SUMMARY RECORD OF THE 248th MEETING

Held at Headquarters, New York,
on Thursday, 27 January 1994, at 3 p.m.

Chairperson: Ms. CORTI

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second and third periodic reports of Japan (CEDAW/C/JPN/2 and CEDAW/C/JPN/3)

1. At the invitation of the Chairperson, Ms. Matsubara (Japan) took a place at the Committee table.

2. Ms. MATSUBARA (Japan), introducing the combined second and third periodic reports of Japan, said that the transition to a new administration in Japan had produced epoch-making changes in the status of women. In keeping with the Committee's recommendations, the views of non-governmental organizations and of the Advisory Council to the Prime Minister, who was also President of the Headquarters for the Planning and Promotion of Policies related to Women, had been taken into account in the preparation of the third report.

3. The situation of women in Japan was characterized by the progressive ageing of the female population, the decline in the number of childbirths, the trend towards higher educational attainments, the tendency of women to marry at a later age and the increase in the number of working women.

4. One of her Government's highest priorities in the area of the advancement of women was to increase the participation of women in the decision-making process. Women currently occupied prominent positions in the administration, judiciary and legislature, and the proportion of women filling managerial posts in the public and private sectors had also been increasing steadily.

5. In the area of education, home economics for boys and girls had been introduced into primary and junior high schools and would be introduced into high schools in 1994. In addition, the National Women's Education Centre had commenced operation of an on-line retrieval service for information relating to women and family, thereby enhancing its function as the core of an information network extending throughout Japan and a number of other countries.

6. On the subject of employment, the Women's and Young Workers' Council, an advisory body to the Minister of Labour, had considered measures to promote equal opportunity and treatment in the workplace and had reviewed the regulations for the protection of women contained in the Labour Standards Law.

7. Her Government believed that the harmonization of work and family responsibility was of great importance for the attainment of de facto equality. In 1992, therefore, it had enacted the Child-Care Leave Law, which covered both male and female employees. The Employment Insurance Law which provided support to those taking child-care leave would shortly be amended by the Diet. In addition, subsidies had been granted to employers who provided child-care facilities and vocational training programmes in order to facilitate the resumption of work by employees who had taken child-care leave. The Ministry of Labour had been actively encouraging the adoption of the family-care leave system. Analytical and technical studies had been undertaken to determine whether or not a legal basis existed for such a plan.

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8. In the Japanese civil service, women were free to take entrance examinations in every job category. Since 1991, moreover, women had been allowed to take the examination for admission to the National Defence Academy. Also, the areas in which female self-defence personnel and female police officers were allowed to serve had been expanded.

9. In connection with gender equality and marriage in family relations, Japan had revised its private law to ensure the full equality of the sexes with respect to international marriages and adoptions. Since January 1991, a subcommittee of the Legislative Council had been reviewing the entire range of Civil Code provisions concerning marriage and divorce, and in 1992, the Ministry of Justice had published an interim report on the subject.

10. In the field of agriculture, the Ministry of Agriculture, Fisheries and Forestry had established a Women and Life Division and had adopted a number of measures consistent with the Basic Direction for New Policies for Food, Agriculture and Rural Areas, formulated by the Ministry in 1992, and "New Rural Women: Towards the Year 2000", a study published the same year.

11. In its international cooperation programme, the Government of Japan laid great emphasis on women in development. Local authorities had also been very active in promoting measures relating to women. All of Japan's 47 prefectures and 12 major cities had divisions or units responsible for women's issues which had formulated plans of action to promote measures relating to women and had established facilities devoted to the needs of women. As in other countries, non-governmental organizations were very active in Japan.

12. Because of the many measures adopted by the Government, de jure equality had almost been attained in Japan. There continued, however, to be customs, practices and views on the roles of the sexes which were deeply rooted in stereotypes, and the heavy responsibility which women bore for housekeeping and child-care was still a great obstacle to those women who wished to participate more fully in society. In addition, the poor representation of women in the decision-making process had prevented them from achieving full de facto equality.

13. Responding to the general questions posed by the Committee, she observed that, while the status of women had advanced in tandem with the economic development experienced by Japan since the Second World War, complete gender equality had still not been attained. Stereotypes about the roles which men and women should play in the family and in the political, economic, and social spheres were deeply rooted in Japan. One major barrier to the participation of women in economic life was insufficient support for the reconciliation of work and family responsibilities. The Government was seeking to address that problem by encouraging fathers to participate more actively in family and community life. It was impossible, however, to change people's consciousness and attitudes in a short time. The Government was determined nevertheless to press forward with its efforts.

14. Turning to the questions posed on specific articles of the Convention, she said that, since Japan had submitted its initial report, many companies had improved their managerial policies by, inter alia, increasing the number of positions filled on a gender-neutral basis, rectifying the differences which

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existed with respect to the mandatory retirement ages for men and women, and expanding the occupational areas in which women were able to work. A number of discriminatory practices had been identified and addressed. For example, women, who had previously been required to retire at an earlier age than men, could now retire at the same age. Dormitory housing, which had previously been available only to men, was now provided for single women workers. Women were now admitted to vocational training programmes previously closed to them, or programmes of equal quality had been established. The Women's and Young Workers' Offices had also determined that excluding women from being recruited or hired as regular employees was against the guidelines adopted under the Equal Employment Opportunity Law, and issued a directive to put an end to that practice.

15. Despite the satisfactory resolution of those problems, however, discriminatory treatment continued. There were persistent complaints, for example, that only men were recruited for positions requiring technical skills and that promotions were not given to men and women on an equal basis. Moreover, companies sometimes disregarded the guidance given by the Women's and Young Workers' Offices. In the area of recruitment, female students sometimes received discriminatory treatment, such as the practice of some companies of sending job information only to graduating male students. The Women's and Young Workers' Council had therefore called for a revision of the Equal Employment Opportunity Law guidelines and the relaxation of those articles of the Women's Labour Standard Regulations relating to the protection of women, as a means of expanding employment opportunities.

16. In fields other than employment, there had been instances of customs and practices that discriminated against women. Women were often barred from construction sites, and in some regions of the country the right to a plot in the family cemetery was granted only to males. One of the reasons for the persistence of customs and practices which discriminated against women was that people continued to adhere to stereotypes regarding the roles of the sexes. While it was not easy to change such thinking, the Government of Japan would continue to undertake educational and consciousness-raising activities, with the participation of the mass media. Those efforts were having an effect, since surveys indicated that the number of people subscribing to such stereotypes was declining.

17. On the question of recourse to the courts by women whose rights relating to equal opportunity had been infringed, article 4 of the Labour Standards Law made gender-based wage discrimination a punishable offence. Equal opportunity and treatment for men and women in the private sector was guaranteed under the Equal Employment Opportunity Law, except with respect to wages. The law did not provide for the punishment of offenders since, generally speaking, Japanese enterprises respected the law and administrative guidance obtained satisfactory results.

18. Article 33 of the Equal Employment Opportunity Law provided that the Minister of Labour and the Directors of the Women's and Young Workers' Offices could request reports from employers or offer guidance or recommendations to the latter where necessary. Guidance and assistance were given in 2,000 to 3,000 instances each year, with satisfactory results in most cases.

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19. Any individual could have recourse to the courts to assert the rights granted under the law. A large number of cases of sexual discrimination had been brought before the courts, including cases of discrimination with regard to different mandatory ages of retirement for men and women, wage discrimination, and discriminatory promotion policies. The National Public Service Law and the Local Public Service Law laid down the principles of equal treatment to be applied to national public employees and local public employees, respectively. Employers who violated those principles were liable to a fine or imprisonment.

20. As for the activities of the National Women's Education Centre, the goal of the Centre was to contribute to the education of women by organizing practical training for leaders of women's education and by conducting specialized research on women's education. Its activities and research spanned every field relating to the advancement of women, and did not make preparing women for family responsibilities and vocational activities a priority. Its aim rather was the empowerment of women by promoting their participation in public life through the enhancement of their abilities. In some instances, local boards of education and women's facilities provided specialized courses to train women for participation in decision-making. The subjects covered included local autonomy, local government and finance.

21. The Faculty of Liberal Arts of the open university which had been launched in 1983 offered courses in three areas of study: science in daily life, industrial and social studies, and humanities and natural sciences. A bachelor's degree in liberal arts was conferred upon graduation.

22. On the question of the reintegration of women employees into the working world, under the system for re-employing female workers, a woman who had resigned from work for reasons of pregnancy, childbirth or child care, was given special consideration by her former employer if, at the time she left, she had expressed a wish to be re-employed at the same or a related company. The system, which benefited from the advice and guidance of the Government, had proven useful in meeting the growing demand from women who wished to return to the labour market. The Ministry of Labour had promoted the practice of re-employment through a system of grants to employers who met certain conditions. It also promoted a comprehensive support plan for the reconciliation of work and child care in groups of medium- and small-scale enterprises. The plan provided for the dissemination of information, educational activities and guidance to member enterprises to promote the introduction of such practices as child-care leave and reduced working hours for workers responsible for the care of children.

23. In fiscal year 1993, female workers had been re-employed at 19.7 per cent of all enterprises, which represented a 3.1 per cent increase over fiscal year 1988. The low figure was mainly due to the fact that under the practice of lifetime employment, companies recruited employees from among recent university or secondary school graduates and felt that that practice would be disrupted if consideration were also given to workers who had left the workplace several years previously. They also argued that extra expenses were incurred in upgrading the skills of returning workers or ensuring that they retained the skills they had when they left. The current recession in Japan, manifested in rising unemployment rates, was another major deterrent to the adoption of the scheme.

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24. In 1988, there had been 849,200 single-parent households headed by a mother; their average annual income before taxes was 2,020,000 yen. There were 173,000 single-parent households were headed by a father. Several forms of assistance were available to households of mothers and children: loans for educational or other activities; counselling; survivor's pensions, with additional amounts according to the number of children; child-rearing allowances, which rose incrementally with each additional child; and at-home care, which included nursing and meals. The Japanese Government also provided such services as nighttime child care for single-parent households headed by a man.

25. Various arrangements and special allowances had been made for single mothers, including for low-income mothers, a vocational training allowance and the payment of travel expenses for those who received technical guidance at the employment assistance centres for women. An employment development subsidy was also paid to the employers of mothers hired through the public employment security offices. All such measures were available to mothers irrespective of marital status.

26. Unfortunately, no records had been kept of the age, gender or numbers of participants in Women's Week. The majority seemed to be women, middle-aged or older; men were also participating in growing numbers. In the view of the Ministry of Labour, it was important to attract a wider variety of people, including, in particular youth and men, so as to raise awareness throughout society. Efforts were under way to modify the programme of activities for Women's Week, based on the views of the Committee and the findings of public opinion polls.

27. The month of June had been designated Equal Employment Opportunity Month, for the purpose of promoting social awareness with regard to the Equal Employment Opportunity Law; large numbers of men in managerial positions had participated. The Ministry of Labour had also set up a panel meeting to promote an exchange of views on how to solve societal problems arising from stereotypes about sex roles, and how to create a society in which both men and women could live fulfilling lives. The panel had produced five proposals dealing with ways of challenging traditional values and of creating a society that valued individual choice. Those proposals had been publicized in both the public and private sectors.

28. Regarding article 5, one of the targets of the New National Plan of Action was the modification of traditional sex-role stereotypes. Concerned ministries and agencies had been carrying out consciousness-raising and public relations activities, and had endeavoured to foster attitudes conducive to gender equality in the mass media. The Ministry of Education had developed a curriculum designed to teach students about gender equality and understanding between the sexes, and had instituted a programme to dismantle sex-role stereotypes in the family and the community. The Prime Minister's Office held annual national and regional conferences to explore the theme of creating a society in which men and women participated actively together. In 1949, the Ministry of Labour had instituted Women's Week, which consisted in consciousness-raising activities to promote the advancement of women. Furthermore, the Ministry of Justice had chosen the advancement of women as a priority theme of Human Rights Week.

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29. Consequently, attitudes in Japan had begun to change. A 1992 public opinion poll showed that fewer people agreed that the husband should work and the wife stay at home. The proportion of women who believed that women should not hold jobs had fallen since the previous poll, and the proportion of those who agreed that women should continue working even after childbirth increased substantially. Men, too, were shown as accepting the notion that women could both work and raise children. The numbers of men and women who believed that only through marriage could a woman achieve happiness had dramatically decreased. Finally, the poll demonstrated that women had become considerably more ambitious in the workplace while men had become slightly less so.

30. At present there were no legal measures to combat sexual harassment. But in order to allow women workers the full play of their abilities in the workplace, the attitudes of male supervisors and colleagues must be changed. Although efforts were made to enforce the Equal Employment Opportunity Law, problems continued to occur. In 1991 the Ministry of Labour had established a study group to explore the problem of sexual harassment. Based on its report, sexual harassment had been defined as conduct that placed the recipient at a disadvantage in fulfilling her task owing to unwanted verbal or physical contact of a sexual nature; a campaign had been launched to enhance public understanding of that problem. Educational activity in the workplace emphasized that the notion of sexual harassment was unacceptable, and that it was incumbent on businesses to work towards eliminating it, including implementing preventive policies. In a well-known civil suit, a district court judge had ordered the victim's employer to pay damages and to acknowledge that he had induced her resignation by spreading false rumours and thereby injuring her reputation. In several other cases, the person found guilty of harassment had been forced to acknowledge responsibility.

31. The third periodic report had provided information on crimes of which women were victims. According to statistics on family violence compiled by the National Police Agency in 1992, of some 21,000 cases of bodily injury and violence, in 303 cases the victim was the criminal's wife and in 442 cases the victim was the criminal's son or daughter. Of 1,225 cases of rape, in only 5 was the victim the criminal's daughter, and of the 2,576 cases of sexual assault, in only 2 was the victim the criminal's daughter. Although the Japanese Criminal Code made no particular provision for punishment of maltreatment of a spouse, the use of violence, the infliction of bodily injury, abduction, confinement and rape were all criminal acts.

32. With reference to article 6, the decline in the number of arrests for prostitution-related crimes was attributable to the development of new and more sophisticated forms of prostitution, which had proven more difficult to track. There were three basic types of prostitution in Japan: street prostitution, controlled prostitution, and dispatch prostitution. The latter, which functioned via a network of "date clubs", had been, since 1989, the most popular form. The manager of such clubs operated from secret offices; notices were posted on the walls of phone booths. When orders were placed, prostitutes were sent to locations designated by customers. Such tactics as the use of portable telephones, call forwarding and pagers had thwarted investigative efforts. Though in Japan there was much documentation on violence, no statistical record of the incidence of violence against prostitutes existed.

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33. Profiting in a direct or indirect manner from prostitution committed by others was prohibited in Japan, and the exploitation of such acts was punishable. Official organizations never forced women into prostitution. Although the Government did not provide compensation for women forced into prostitution either by individuals or private organizations, it had established the following policies: firstly, women who had committed such acts as public solicitation for the purposes of prostitution were sent to a women's guidance home, which provided vocational training, counselling and medical services aimed at overcoming mental and physical problems related to prostitution. Secondly, girls who had committed acts of sexual delinquency, such as violation of the Anti-Prostitution Law, were sent to juvenile reform schools, where they received group counselling. There were also personal and work-related counselling services for women engaged in prostitution, which also provided housing.

34. The Anti-Prostitution Law, enacted on 24 April 1956, declared that prostitution impaired human dignity, ran counter to sexual morality, and corrupted the morals of society. While that law stated that no person should engage in prostitution or receive the services of a prostitute, it contained no provision for the punishment of such acts. Sanctions were imposed, however, for a variety of acts related to the promotion of prostitution, such as procurement, engaging in acts of prostitution in public, profiting from prostitution, advancing loans to women to encourage them to enter prostitution, contracting with a woman to engage in prostitution and furnishing a location for the performances of such acts. It also provided for the guidance and rehabilitation of women who, judging by character, behaviour and environment, were deemed likely to engage in prostitution.

35. With respect to article 7, one of the five basic targets of the 1977 National Plan of Action was participation in society by men and women on equal terms, and in particular the promotion of participation by women in decision-making bodies. Government policy aimed at promoting participation by women in government, and seeking cooperation from local administrations as well as from political, economic and social organizations to that end. Japan had taken measures to appoint more women to advisory positions, and had set an initial target of 10 per cent representation. Although a slight increase in the number of women in governmental advisory councils had occurred, results had fallen well short of the goal. Japan had been promoting the employment of women as civil servants, had expanded their activities and duties, and had developed training and study opportunities for them. While in 1975 there had been 12 job categories in the national service that restricted the participation by women in recruitment examinations, by 1981 only one job category had still retained such restrictions. As a consequence of that change, the number of women recruited for the national service had risen substantially.

36. The 1987 National Plan of Action again set the participation of women in policy decision-making as one of its basic objectives, and raised the target rate for representation by women in national Advisory Councils to 15 per cent by the year 2000. By 1989 Japan had abolished all restrictions on women entering the national service. The revised 1991 Plan had moved the target year for 15 per cent representation to 1995. By 1993, representation had risen to almost 11 per cent.

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37. Clearly, women must participate in political life if their views were to be reflected in governmental policy. Election turnout showed that women were as interested in politics as men. As of July 1993, there were 14 women in the House of Representatives and 38 in the House of Councillors; a woman had been elected as Speaker of the House of Representatives. Women now accounted for 6.8 per cent of the total membership of the Diet. The low level of representation by women, as compared to that of other countries, could be explained by the persistence of sexual stereotypes. Such notions accounted for the low number of women who aspired to such positions. It was also significant that Japanese women had only recently begun to seek leadership roles. An opinion poll had shown that the majority now agreed that more women should be members of the Diet, which indicated that stereotypical attitudes toward gender were changing.

38. Since the date of the third periodic report, the proportion of women in national advisory Councils had risen to 10.7 per cent. Members designated subject to their official posts accounted for 3.1 per cent, those recommended by organizations accounted for 4.9 per cent, and 13.1 per cent were other members. Those figures were particularly low, especially in the first two categories. The proportion in the first category was low because a small number of women held senior public posts; and in the second category, few women were in leadership positions in those organizations. A request had been issued for cooperation in recommending more women candidates to advisory councils and in promoting women within their own organizations. For the achievement of the target of 15 per cent by 1995, set out in the revised New National Plan of Action the Prime Minister had been working to collect and disseminate information on suitable women candidates. Although still quite low, the proportion of women in statutory advisory councils had risen slightly in the previous year, from 9.6 to 10.2 per cent. The fact that few Japanese women played active roles in public life or possessed the knowledge or qualifications to serve in Government, accounted for that low figure. The proportion of women who were members of political parties, and who occupied leadership positions in those parties were, as of 1993, respectively: 37.6 per cent and 1.2 per cent in the Liberal Democratic Party; 17.7 per cent and 12.5 per cent in the Social Democratic Party; 44.8 per cent and 7.3 per cent in Komeito; 6.1 per cent and 4.2 per cent in the Democratic Socialist Party; 38.3 per cent and 18.0 per cent in the Japanese Communist Party; and 18.8 per cent and 18.1 per cent in the Japan New Party. Although the Japanese Government had not formulated new legislative measures or guidelines in that area, the expansion of women's participation in all fields, including politics, was a priority.

39. Membership by women in trade unions had increased from 27.6 per cent to 28.2 per cent between 1989 and 1993. Since there existed no data on which to calculate the proportion of women in executive positions in trade unions generally, the Japanese Trade Union Confederation would suffice as an example: of its 8 million members, women represented 27 per cent of the total membership in 1993 and 5.7 per cent of union executives, up from 4.6 per cent the previous year. The Confederation was attempting to achieve a 15 per cent target for women in such positions by the year 2000, and a woman had been appointed Vice-President for the first time in 1993.

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40. With regard to article 8 of the Convention, women had since 1991 been permitted to take the examination for the National Defence Academy, and 71 had been admitted since 1992, or 7.5 per cent of the total number of students. Since 1993, women had been allowed to apply also to the Maritime and Air Self-Defence Forces, and a number had been admitted.

41. Women represented almost 15 per cent of the approximately 5,000 officials in the Ministry of Foreign Affairs; 26 of them filled high-level diplomatic posts, 144 were foreign service officers, and others served as public service officials, having been seconded from other ministries as well as the private sector. Indeed, the majority of those who had passed the foreign service examination in 1993 had been women, in response to active recruitment by the Ministry. Japan also had four women ambassadors. As of June 1993, half of Japan's United Nations Secretariat personnel were women, and above the D-1 level three were women and five were men.

42. With regard to article 10 of the Convention, more women were participating in non-traditional fields like physics, agriculture and technology, owing to changing attitudes towards gender. No special measures had been taken by the Ministry of Education, but it was making efforts to develop awareness of the equality of men and women at each grade level in elementary and secondary schools and to have guidance counsellors dispel preconceived gender-related notions about courses of study.

43. With regard to specialized education and "open" courses, almost 4,000 university extension courses for adults had been offered in about 400 universities, with close to 500,000 participants, about 113,000 of them men and 134,000 women. The course offerings were in specialized fields like health, the environment, ageing, international relations, or cultural subjects. The "open" courses offered by the Ministry of Education since 1988, utilizing the specialized education facilities of high schools and training institutes were open to adults who needed specialized knowledge and vocational skills. Beginners' courses were offered in such subjects as word processing, local history and culture, traditional crafts or calligraphy, and specialized courses were offered in biotechnology, computer graphics, food hygiene and the like.

44. The 1989 reform of the national elementary and secondary school curricula had established the same standards for girls as for boys, and both were expected to take subjects such as home economics, woodwork and electricity as well as required electives in areas like metal work, machine operation, horticulture, nursing, and basic science.

45. The National Women's Education Centre, whose women's studies programme had been commended by the Committee, was planning to expand its efforts not only in Japan but also in other countries, in cooperation with interested researchers, institutions and organizations.

46. Just as the required elementary and secondary school curricula sought to develop student awareness of the equality between women and men through social studies, moral education and special activities at each grade level, special efforts were also being made to hold curriculum classes for teachers in each area or prefecture to make them aware of the purpose of the national course of study.

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47. With regard to article 11 of the Convention, the data provided in the reports were not gender-specific concerning remuneration for the same jobs, since employment of men and women usually varied from industry to industry and occupation to occupation, and according to level of qualification. Workers with the greatest seniority, and therefore presumably more skill and experience, received the highest remuneration, and women were at a disadvantage because of their much lower average length of service and level of skill, and also because they worked in lower-paying jobs. In order to narrow the remuneration gap caused by differences in average length of service, the Government was trying to find ways of allowing women with family responsibilities to continue to work without interrupting their careers. In order to narrow the gender gap in fields of employment, it sought to ensure for both men and women equal opportunity and treatment in the workplace. Female college graduates were being encouraged to consider non-traditional occupations, and relevant manuals were to be issued also for high school students. The Government also planned to encourage employers to alter their personnel policies and create working environments that were more attractive to women.

48. With regard to the principle of equal pay for equal work, article 4 of the Labour Standards Act prohibited and penalized wage discrimination based on gender, in accordance with the International Labour Organization (ILO) Equal Remuneration Convention. Labour standard inspectors investigated violations of article 4 reported through complaints or inspections, and they could issue administrative guidance to any enterprise not in compliance with the law. There were also many instances in which damages had been awarded as the result of lawsuits brought directly in court.

49. In Japan, wages were determined not through negotiations between employers and trade unions or occupational groups, but through negotiations within individual enterprises. Remuneration consisted of basic wages and allowances, and the basic wages depended both on personal factors like age, academic background, length of service and level of skills, and on job-related factors like the difficulty and responsibility of the work involved. Most enterprises combined both sets of factors in one basic wage scale, and consequently, under the Japanese system, it would be very difficult to apply the Committee's general recommendation No. 13 urging equal remuneration for work of equal value and evaluation systems based on gender-neutral criteria. Accordingly, the Government was not considering the introduction of such a system.

50. The Industrial Safety and Health Act, rather than the Labour Standards Act addressed issues of safety and health in the work place. Employers must not only comply with minimum standards for preventing industrial accidents, but must establish a comfortable working environment and improved working conditions. The employer was required to appoint general safety and health officials, an industrial physician and an operations chief, and to establish safety and health committees to monitor conditions and educate workers on safety and health issues. Potentially dangerous operations or the manufacture of dangerous substances required advance permission from the Labour Minister and were subject to inspection. Violations were punishable by imprisonment or a fine.

51. Of the women working in agriculture, forestry or the fishing industry, 19 per cent were self-employed, 74 per cent were family workers and 7 per cent were employees. Thus, safety measures and working conditions tended to be

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poorly controlled. To remedy the situation, the Ministry of Agriculture, Forestry and Fisheries, through its agricultural extension service, sponsored activities such as consciousness-raising and training to improve labour conditions, the organization of mutual labour assistance programmes, the establishment of model forms which took into account the health of women and the elderly, and the development of guidelines for labour management. Women in those fields were protected by all applicable labour laws, including those covering labour standards, minimum wages, occupational health and safety and workmen's accident compensation insurance. Women constituted 60 per cent of the labour force in agriculture, 30 per cent in forestry, and 20 per cent in the fishing industry, yet very few were the primary family breadwinners. Moreover, because of the seasonal nature of such industries and the unstable income women faced particular problems in balancing their management and household responsibilities. The Ministry consequently offered extension programmes in farm management, household bookkeeping, family budget analysis and the like. Another problem was the undefined role of women on family farms and in forestry and fishery operations, where the male head of household was usually the decision-maker. The Ministry encouraged household agreements to clarify such situations.

52. The unemployment situation in the country as a whole was deteriorating because of the prolonged recession: the unemployment rate had risen to 2.8 per cent in November 1993, and the ratio of job openings to applicants had decreased to 65 per cent. The Employment Insurance Scheme provided unemployment benefits regardless of sex, and encouraged the unemployed to find new jobs. The basic allowance was paid for a period of from 90 to 300 days at between 60 to 80 per cent of wages, and under certain circumstances benefits could be extended. The unemployed were ensured a minimum standard of living. In December 1993, a task force on employment headed by the Vice-Minister of Labour had devised a comprehensive programme designed to prevent unemployment by helping enterprises to retain employees, promoting re-employment of jobless people and encouraging the creation of new job opportunities. The Government had also established a cabinet-level headquarters for the planning of emergency employment measures, headed by the Prime Minister.

53. With regard to the pension system, the Japanese public pension scheme comprised national pension schemes providing universal coverage, the Employees' Pension Insurance for salaried workers in the private sector, and the Mutual Aid Association pension scheme providing supplementary benefits to national and local government staff. Pursuant to the pension reform of 1984, the benefits under the two latter schemes were in the process of being equalized. Public pension schemes were to be unified by 1995.

54. Regarding the status of the family leave scheme, in 1993 approximately 16 per cent of firms with 30 or more employees and 52 per cent of those with 500 or more had introduced the scheme. In July 1992, the Ministry of Labour had established guidelines for the family leave scheme, stipulating the minimum arrangements a company should make for family leave and for the reduction of the working hours of an employee with family responsibilities. Male and female workers alike should be covered, leave could be requested for the care of a spouse, parents, parents-in-law and children, the minimum period of leave should be three months, and employees should be allowed to choose between taking leave or, alternatively, having off-duty time, a flexible working hours system or

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staggered hours. The Ministry had been promoting the guidelines through a series of symposiums, conferences and study meetings. The Government had undertaken expert studies intended to determine the range of persons for whose care leave might be taken, and on the basis of those technical studies would consider drafting legislation.

55. With regard to article 16 of the Convention, a national advisory commission had begun reviewing all marriage and divorce provisions under the Civil Code. Furthermore, a subcommittee of the Legislative Council, the advisory body to the Ministry of Justice, had in January 1991 resumed its consideration of the section on marriage, and subsequently the Ministry of Justice had published an interim report on the provisions pertaining to marriage and divorce. Consideration was being given to such issues as legal requirements for marriage and nullification, valid surnames for husband and wife, grounds for divorce and divorced parents' rights vis-à-vis children and distribution of property. In October 1993, the Ministry of Justice had published responses it had received from the legal and academic professions, administrative organs, women's organizations, labour unions and consumer groups, and they were being taken into account in the continuing deliberations of the subcommittee.

56. The CHAIRPERSON observed that the replies of the Japanese representative showed that significant progress had been made in the advancement of women in Japan. The country's transformation into one of the major world economic powers and a move away from a millennial traditionalism had had an impact on its women.

57. The Committee had received many reports from Japanese non-governmental organizations countering the report submitted by the Government, and in a sense that was a good development because it showed, first, that women were mobilizing and, secondly, that a genuine democracy prevailed in the country.

58. The information provided on articles 5, 6 and 11 showed that work still needed to be done in Japan in the areas in question. There was no question, however, that Japan was intent on fulfilling its treaty obligations.

59. Ms. TALLAWY said that great changes were taking place in Japan, including changes in the status of women. She was gratified that after the most recent change of government there were three women ministers. Women could share the credit for Japan's remarkable economic success. She was also impressed by the active role of non-governmental organizations in Japan.

60. A substantial portion of both the second and third reports consisted of tables and statistics. In future reports, there should be a full analysis of such statistics, and of the obstacles that had been encountered and possible solutions.

61. In relation to article 4 of the Convention, there was very little information in the reports about temporary special measures; she hoped that the Japanese Government would make greater use of such measures, particularly since it had ratified the Convention without any reservations.

62. With regard to article 11, she felt that more needed to be done in the area of employment, especially among companies in the private sector which tried to

(Ms. Tallawy)

bypass Japanese legislation by having two separate career tracks, a career track and a general track. More attention also needed to be given to the conditions of part-time employment, and to disparities in wages.

63. The efforts that were being made to change curricula and textbooks should, in the light of article 10, be extended to broader areas than those mentioned in the report.

64. There still seemed to be some problems with regard to article 16; more information needed to be given in the next report. Greater attention needed to be given to such questions as the enforcement of child support payments and recognition and registration of children born out of wedlock.

65. Since women were in the majority in Japan, and life expectancy was very high, the elderly population, especially women, needed to be taken into account and research needed to be carried out on such matters as medical treatment and nursing homes. She hoped that the Government of Japan would include those points in its next report.

66. Japan, as the largest donor of official development assistance, should start providing some assistance for women's issues.

67. Ms. QUINTOS-DELES said that she welcomed the alternative reports provided to the Committee by Japanese NGOs. It was disappointing that the official report did not give any serious treatment to the problems and issues which the women of Asia had been trying to raise with the Japanese Government, especially women from those countries which, because of current or past economic conditions, had at some point opened their territories to the scourge of sex tourism.

68. If the Government of Japan wished to comply fully with its obligations under the Convention, it must address the problems of foreign women who entered Japan to work in the sex industry, often suffering horrific exploitation and abuse, and the problems caused by Japanese men who travelled to other countries on sex tours. There were also problems of the status of foreign women and their children, and of women married to Japanese men, especially mail-order brides, many of whom lived in remote farming areas. A further issue was the compensation that needed to be given to elderly women in different parts of Asia who had been forcibly recruited as comfort women for the imperial army during the Second World War. Many women had been seriously affected by Japanese policies, programmes and lifestyles, and the tragedies that had occurred would last beyond the current generation.

69. Ms. ILIC said that, in relation to article 16, there was a reference in the third periodic report to a review of the Civil Code. She asked when the review would be completed and what steps would be taken after that.

70. Ms. GARCIA-PRINCE said that it was regrettable that the Japanese Government had not adequately consulted NGOs in the preparation of its reports. Furthermore, although the third periodic report referred to positive changes, there was no information on developments with regard to some of the problems that had been mentioned in the first and second reports.

(Ms. Garcia Prince)

71. The reports clearly showed that development in no way ensured equality; there was an urgent need for the Japanese Government to bring gender issues into the mainstream of development. Although progress had been made in the living conditions and material welfare of Japanese women, there had been little progress in respect of the position of women within the Japanese social structure. The Japanese Government should take forceful measures to improve the position of Japanese women in the areas of power and decision-making. Women's share of power was minuscule compared with that of women in other countries with a far lesser degree of socio-economic development. The Japanese Government also needed to take up the problem of the constant law evasion by employers.

72. Ms. CARTWRIGHT said that Asian and other women who had been forced into prostitution during the Second World War should not have to seek compensation on a case-by-case basis and be re-traumatized. She asked what measures were to be taken to assist those women.

73. On the subject of sex tourism, which involved men from many countries, she called on the Japanese Government to discourage the practice and to take measures to stop sex tours, and particularly to ensure that companies no longer arranged such tours as gifts for Japanese men.

74. She asked whether there was any nationally organized screening programme for the early detection and eradication of cervical and breast cancer.

The meeting rose at 6 p.m.